

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

Robby McElveen,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No.: 8:12-cv-01340-TLW
	)	
Carolyn W. Colvin, Commissioner	)	
of Social Security Administration,	)	
	)	
Defendant.	)	
_____	)	

**ORDER**

The Plaintiff, Robby McElveen (“plaintiff”), brought this action pursuant to 42 U.S.C. § 405(g) to obtain judicial review of the final decision of Defendant, Commissioner of Social Security (“Commissioner”), denying plaintiff’s claim for disability insurance benefits. (Doc. #1).

This matter is now before the Court for review of the Report and Recommendation (“the Report”) filed on August 7, 2013 (Doc. #21) by United States Magistrate Judge Jacquelyn D. Austin, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(a) (DSC). In the Report, the Magistrate Judge recommends that the Commissioner’s decision to deny benefits be reversed and this action remanded to the Commissioner for further administrative action pursuant to sentence four of 42 U.S.C. § 405(g). (Doc. #21). The Commissioner filed a reply and notice of intent not to file objections to the Report on August 21, 2013. (Doc. #23).

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. §

636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. After careful consideration, it is hereby **ORDERED** that the Report and Recommendation (Doc. #21) is **ACCEPTED**. Accordingly, for the reasons articulated by the Magistrate Judge, the Commissioner's decision is hereby **REVERSED** pursuant to sentence four of 42 U.S.C. § 405(g) and this case is **REMANDED** to the Commissioner for further administrative action consistent with the Report and Recommendation.

**IT IS SO ORDERED.**

s/ Terry L. Wooten  
Terry L. Wooten  
Chief United States District Judge

August 26, 2013  
Columbia, South Carolina